



General Assembly

Substitute Bill No. 608

February Session, 2002

AN ACT CONCERNING THE DNA DATA BANK.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-102g of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2002*):

3 (a) Any person who (1) is convicted of a criminal offense against a
4 victim who is a minor, a nonviolent sexual offense or a sexually violent
5 offense, as those terms are defined in section 54-250, as amended, or of
6 a felony found by the sentencing court to have been committed for a
7 sexual purpose as provided in section 54-254, and is sentenced to the
8 custody of the Commissioner of Correction, or (2) is convicted of a
9 violation of section 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55, 53a-55a,
10 53a-56, 53a-56a, 53a-59, 53a-59a, 53a-60, 53a-60a, 53a-60b, as amended,
11 53a-60c, 53a-92, 53a-92a, 53a-94, 53a-94a, 53a-101, 53a-102, as amended,
12 53a-102a, 53a-134 or 53a-135 on or after the effective date of this act
13 and is sentenced to the custody of the Commissioner of Correction,
14 shall, at any time prior to release from custody, have a [sample of such
15 person's] blood or other biological sample withdrawn or taken for
16 DNA (deoxyribonucleic acid) analysis to determine identification
17 characteristics specific to the person.

18 (b) Any person who is convicted of a criminal offense against a
19 victim who is a minor, a nonviolent sexual offense or a sexually violent
20 offense, as those terms are defined in section 54-250, as amended, or of

21 a felony found by the sentencing court to have been committed for a
22 sexual purpose, as provided in section 54-254, who is not sentenced to
23 a term of confinement shall, as a condition of such sentence, have a
24 [sample of such person's] blood or other biological sample withdrawn
25 or taken for DNA (deoxyribonucleic acid) analysis to determine
26 identification characteristics specific to the person.

27 (c) Any person who is found not guilty by reason of mental disease
28 or defect pursuant to section 53a-13 of a criminal offense against a
29 victim who is a minor, a nonviolent sexual offense or a sexually violent
30 offense, as those terms are defined in section 54-250, as amended, or of
31 a felony found by the sentencing court to have been committed for a
32 sexual purpose, as provided in section 54-254, shall, at any time prior
33 to discharge from custody in accordance with subsection (e) of section
34 17a-582, section 17a-588 or subsection (g) of section 17a-593, have a
35 [sample of such person's] blood or other biological sample withdrawn
36 or taken for DNA (deoxyribonucleic acid) analysis to determine
37 identification characteristics specific to the person.

38 (d) The analysis shall be performed by the Division of Scientific
39 Services within the Department of Public Safety. The identification
40 characteristics of the profile resulting from the DNA analysis shall be
41 stored and maintained by the division in a DNA data bank and shall
42 be made available only as provided in section 54-102j, as amended by
43 this act.

44 Sec. 2. Section 54-102h of the general statutes is repealed and the
45 following is substituted in lieu thereof (*Effective October 1, 2002*):

46 (a) Each blood or other biological sample required pursuant to
47 section 54-102g, as amended by this act, from persons who are to be
48 incarcerated shall be withdrawn or taken at the receiving unit or at
49 such other place as is designated by the Department of Correction. The
50 required samples from persons who are not sentenced to a term of
51 confinement shall be withdrawn or taken at a time and place specified
52 by the sentencing court. Only a person licensed to practice medicine

53 and surgery in this state, a qualified laboratory technician, a registered
54 nurse or a phlebotomist shall withdraw or take any sample to be
55 submitted to analysis. No civil liability shall attach to any person
56 authorized to withdraw [blood] or take a blood or other biological
57 sample as provided in this section as a result of the act of withdrawing
58 [blood] or taking such sample from any person submitting thereto, if
59 the blood or other biological sample was withdrawn or taken
60 according to recognized medical procedures, provided no person shall
61 be relieved from liability for negligence in the withdrawing or taking
62 of any [blood] such sample.

63 (b) Chemically clean sterile disposable needles and vacuum draw
64 tubes shall be used for all blood samples. The tube or container for a
65 blood or other biological sample shall be sealed and labeled with the
66 subject's name, Social Security number, date of birth, race and gender,
67 the name of the person collecting the sample, and the date and place of
68 collection. The tubes or containers shall be secured to prevent
69 tampering with the contents.

70 (c) The steps set forth in this section relating to the [taking]
71 collection, handling, identification and disposition of blood or other
72 biological samples are procedural and not substantive. Substantial
73 compliance therewith shall be deemed to be sufficient. The samples
74 shall be transported to the Division of Scientific Services within the
75 Department of Public Safety not more than fifteen days following
76 withdrawal or taking and shall be analyzed and stored in the DNA
77 data bank in accordance with sections 54-102i and 54-102j, as amended
78 by this act.

79 Sec. 3. Section 54-102i of the general statutes is repealed and the
80 following is substituted in lieu thereof (*Effective October 1, 2002*):

81 (a) Whether or not the results of an analysis are to be included in the
82 data bank, the Division of Scientific Services within the Department of
83 Public Safety shall conduct the DNA analysis in accordance with
84 procedures adopted by the division to determine identification

85 characteristics specific to the individual whose blood or other
86 biological sample is being analyzed. Such procedures shall conform to
87 nationally recognized and accepted standards for DNA analysis. The
88 Commissioner of Public Safety or the commissioner's designee shall
89 complete and maintain on file a form indicating the name of the person
90 whose sample is to be analyzed, the date and by whom the [blood]
91 sample was received and examined, and a statement that the seal on
92 the tube or container had not been broken or otherwise tampered with.
93 The remainder of a [blood] sample submitted for analysis and
94 inclusion in the data bank pursuant to section 54-102g, as amended by
95 this act, may be divided, labeled as provided for the original sample,
96 and securely stored by the division in accordance with specific
97 procedures set forth in regulations adopted by the Department of
98 Public Safety in accordance with the provisions of chapter 54 to ensure
99 the integrity and confidentiality of the samples. All or part of the
100 remainder of that sample may be used only (1) to create a statistical
101 data base provided no identifying information on the individual
102 whose sample is being analyzed is included, or (2) for retesting by the
103 division to validate or update the original analysis.

104 (b) The division shall initiate a DNA testing process not later than
105 forty-five days after the receipt of a blood or other biological sample
106 that has been submitted for analysis. A report of the results of a DNA
107 analysis conducted by the division as authorized, including the profile
108 and identifying information, shall be made and maintained at the
109 division. A certificate and the results of the analysis shall be admissible
110 in any court as evidence of the facts therein stated. Except as
111 specifically provided in this section and section 54-102j, as amended by
112 this act, the results of the analysis shall be securely stored and shall
113 remain confidential.

114 Sec. 4. Section 54-102j of the general statutes is repealed and the
115 following is substituted in lieu thereof (*Effective October 1, 2002*):

116 (a) It shall be the duty of the Division of Scientific Services within
117 the Department of Public Safety to receive blood and other biological

118 samples and to analyze, classify and file the results of DNA
119 identification characteristics profiles of blood and other biological
120 samples submitted pursuant to section 54-102g, as amended by this
121 act, and to make such information available as provided in this section.
122 The results of an analysis and comparison of the identification
123 characteristics from two or more blood or other biological samples
124 shall be made available directly to federal, state and local law
125 enforcement officers upon request made in furtherance of an official
126 investigation of any criminal offense and to the person or persons
127 whose sample or samples were analyzed. A request may be made by
128 personal contact, mail or electronic means. The name of the person
129 making the request and the law enforcement purpose for which the
130 information is requested shall be maintained on file with the division.

131 (b) Upon the request of any person identified and charged with an
132 offense as the result of a search of information in the data bank, a copy
133 of the request for a search shall be furnished to such person so
134 identified and charged. Only when a sample or DNA profile supplied
135 by the person making the request satisfactorily matches a profile in the
136 data bank shall the existence of data in the data bank be confirmed or
137 identifying information from the data bank be disseminated.

138 (c) The Department of Public Safety shall adopt regulations in
139 accordance with the provisions of chapter 54 governing (1) the
140 methods of obtaining information from the data bank in accordance
141 with this section, and (2) procedures for verification of the identity and
142 authority of the person making the request. The department shall
143 specify the positions in that agency which require regular access to the
144 data bank and samples submitted as a necessary function of the job.

145 (d) The Division of Scientific Services shall create a separate
146 statistical data base comprised of DNA profiles of blood or other
147 biological samples of persons whose identity is unknown. Nothing in
148 this section or section 54-102k shall prohibit the Division of Scientific
149 Services from sharing or otherwise disseminating the information in
150 the statistical data base with law enforcement or criminal justice

151 agencies within or without the state for law enforcement purposes
 152 only.

153 (e) The Division of Scientific Services may charge a reasonable fee to
 154 search and provide a comparative analysis of DNA profiles in the data
 155 bank to any authorized law enforcement agency outside of the state.

156 Sec. 5. (NEW) (*Effective October 1, 2002*) (a) There is established a
 157 DNA Data Bank Oversight Panel composed of the Chief State's
 158 Attorney, the Attorney General, the Commissioner of Public Safety
 159 and the Commissioner of Correction, or their designees. The Chief
 160 State's Attorney shall serve as chairperson of the panel and shall
 161 coordinate the agencies responsible for the implementation and
 162 maintenance of the DNA data bank established pursuant to section 54-
 163 102j of the general statutes, as amended by this act.

164 (b) The panel shall have the following responsibilities: (1) To devise,
 165 review and update as necessary the protocol for the collection,
 166 analysis, storage and handling of blood and other biological samples
 167 obtained for DNA analysis pursuant to section 54-102g of the general
 168 statutes, as amended by this act, (2) to consider legal issues related to
 169 obtaining authorized samples and maintaining the data bank, and (3)
 170 to take such other action as necessary to assure the integrity of the data
 171 bank including the destruction of inappropriately obtained samples
 172 and the purging of all records and identifiable information pertaining
 173 to the persons from whom such inappropriately obtained samples
 174 were collected.

175 (c) The panel shall meet on a quarterly basis and shall maintain
 176 records of its meetings. Such records shall be retained by the
 177 chairperson.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>
Sec. 3	<i>October 1, 2002</i>

Sec. 4	<i>October 1, 2002</i>
Sec. 5	<i>October 1, 2002</i>

JUD *Joint Favorable Subst.*